



STATE OF MARYLAND

**DHMH**

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Maryland Department of Health and Mental Hygiene  
201 W. Preston Street • Baltimore, Maryland 21201

Martin O'Malley, Governor – Anthony G. Brown, Lt. Governor – Joshua M. Sharfstein, M.D. Secretary

Laboratories Administration  
Robert A. Myers, Ph.D., Director

December 15, 2011

**Via Email, Facsimile & Regular Mail**

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**Re: Order of Summary Suspension of CDS Registration M26243  
for Brent Fox, M.D.**

Dear Ms. Barkan and Mr. Alman:

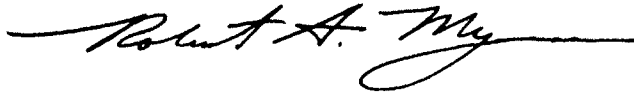
On December 6, 2011, the Department of Health and Mental Hygiene (the "Department") issued an Order of Summary Suspension of the Controlled Dangerous Substance Registration No. M26243 held by Brent Fox, M.D. The order scheduled a hearing for Monday, December 12, 2011, at 1:00 P.M. to allow Dr. Fox to present argument on whether the summary suspension should be continued. That hearing was held as scheduled. This letter constitutes my findings after that hearing.

The Department issued the Order of Summary Suspension because it determined that Dr. Fox's failure to comply with the professional standard of care in prescribing controlled dangerous substances posed imminent risks to the health, safety, and welfare of the patients served and the public. The Department based that conclusion on the reviews of patient records by an independent auditor, MCMC, and by the Department's Chief Medical Officer, Laura Herrera, M.D. as well as a review of Dr. Fox's prescribing profile generated by the Department's Division of Drug Control.

Dr. Fox responded to the Order of Summary Suspension by arguing that the decision makers did not take the time to read the records and that they only saw one year's worth of records. He produced what he considered to be more complete records for each of the fourteen patients, but did not identify particular documents that contradicted the Department's findings.

In sum, Dr. Fox has not shown that the summary suspension of his CDS registration should be lifted. As described in the Notice of Intent to Revoke Controlled Dangerous Substance Registration, Dr. Fox will have the opportunity to contest the Department's decision at an evidentiary hearing on January 17, 2012.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert A. Myers", with a long, sweeping horizontal line extending to the right.

Robert A. Myers, Ph.D.  
Director, Laboratories Administration

cc: Joshua M. Sharfstein, M.D., Secretary  
Frances B. Phillips, R.N., MHA, Deputy Secretary for Public Health  
Kathleen Ellis, Deputy Counsel, Office of Attorney General